

## HIGHLAND BOY MINE

Suit On Trial Involving Stock Valued at \$30,000.

## CAVANAUGH vs. SALISBURY

## DECISION REGARDING STATUTE OF LIMITATIONS.

September Term of the State Supreme Court Opened Yesterday—Motion to Dissolve Attachments On Farnsworth's Property Overruled By Judge Marshall.

Judge Hiles was yesterday engaged in the trial of the case of Stephen Hays, as guardian of the estate of Sarah Effie Cavanaugh, a minor, vs. O. J. Salisbury, Monroe Salisbury and Katherine C. Belcher, administrators of the estate of John T. Gilmer, deceased.

Judge Henderson and Frank Hoffman appeared for the plaintiff, W. H. Dickson and W. C. Hall for the defendants. The case is a matter of the personal representative of Mrs. Gilmer, widow of J. T. Gilmer.

The plaintiff, Mrs. Gilmer, since the death of her husband in October, 1897, has become of age and now sues in her own name.

The suit is quite an important one, involving as it does 1,000 shares of the capital stock of the Highland Boy Mining company of Deadwood, S. D., valued at \$30,000.

The complaint in the complaint it is alleged that the stock of the Highland Boy Mining company was sold by the plaintiff, Mrs. Gilmer, to the defendant, O. J. Salisbury, and that the defendant, O. J. Salisbury, sold the stock to the defendant, Monroe Salisbury, and that the defendant, Monroe Salisbury, sold the stock to the defendant, Katherine C. Belcher, and that the defendant, Katherine C. Belcher, sold the stock to the defendant, John T. Gilmer, and that the defendant, John T. Gilmer, sold the stock to the plaintiff, Mrs. Gilmer.

It is then alleged that no part of the property was delivered to Cavanaugh, but that it, with the dividends and profits, were received and held by the defendants. Michael Cavanaugh died in November, 1891, leaving his daughter Sarah Effie Cavanaugh sole heiress to his property and she now sues to recover the thousand shares and for an accounting for dividends and profits since 1890, when it is alleged her father purchased the stock.

The defendant, O. J. Salisbury, making the contract set out in the complaint and deny all the material allegations of the complaint and also plead the statute of limitations.

The hearing was proceeding when court adjourned until this morning.

## STATUTE OF LIMITATIONS.

Important Decision Rendered By Judge Cherry.

The case of B. K. Bloch & Co. vs. C. Bonetti came up before Judge Cherry yesterday on appeal from a judgment delivered by Justice Stewart some months ago, in which the issues were found for the defendant.

The plaintiff, B. K. Bloch & Co., received \$125 and interest, making a total of about \$200, for goods sold and delivered. The defendant, C. Bonetti, claimed that the statute of limitations, the account being more than two years old.

The plaintiff claimed that chapter 71, session laws of 1897, extending the time for open accounts to outlaw to four years, applied to the case, and that the full term of the old statute of limitations had run.

Judge Cherry decided the case the same way as the case of the peace had done, finding that the new statute did not revive the debt, and judgment was entered for the defendant.

Messrs. Krebs and Hoppaugh represented the plaintiff and Justice Wiley Brown was for the defendant, Bonetti. The case is of considerable importance, from the fact that it was made a test case, and the plaintiff now laid down for a great many similar cases.

## STATE SUPREME COURT.

September Term Opened Yesterday With a Full Bench.

The September term of the supreme court opened yesterday morning, with Chief Justice Zane and Justices Hartsch and Miner on the bench. The 42 cases on the calendar were set for argument at the rate of three cases a day, omitting Saturdays.

The case of the state of Utah vs. Joseph W. Hildford, appellant, was argued and taken under advisement. The defendant was convicted in the court below of the crime of rape and was sentenced to five years' imprisonment in the state prison. The crime was alleged to have been committed on May 25, 1897, in Box Elder county. The victim was Mary E. Leary, a married woman. The appeal was based on alleged errors at the trial and in instructions of the court to the jury.

The other two cases were continued, viz.: State vs. Olsen and state vs. James T. Monk.

Thomas C. Knight, appellant, vs. the Park City bank et al.; motion to place case on the calendar taken under advisement.

In the cases of the Utah Optical company vs. David Keith et al., appellants, the Utah Refracting company, appellant, vs. Stephen H. Lynch, county treasurer, state of Utah, vs. James T. Monk, appellant, similar action was taken.

Joseph J. Whitaker was admitted to the bar of the supreme court, on report of the examining committee. State of Utah vs. Hoken Olsen, appellant, continued for the term.

## FEDERAL COURT.

Motion to Dissolve Farnsworth Attachments Overruled.

In the federal court yesterday Judge Marshall handed down a written opinion on the motion to dissolve attachments in the case of the Nevada company against P. Farnsworth. His honor overruled the motion.

The Nevada company alleged in its complaint that it intrusted large sums of money to the defendant, P. Farnsworth, in various ways, and that he invested only a portion of the money so intrusted to him and appropriated the same to his own use. Plaintiff sued to recover the amount and levied attachments on Farnsworth's property.

The motion was then made to dissolve these attachments on two grounds. First, that the plaintiff cause of action was not based upon an express or implied contract and that according to the laws of Utah an attachment does not lie in case of an express or implied contract. Second, that the obligation was not shown to have been fraudulently contracted and the agreement was only a quasi contract.

Judge Marshall held that the contract was implied and after citing numerous authorities overruled the motion to dissolve the attachments.

Short Orders By Judge Marshall.

United States vs. George Becker, indicted for mailing unavailable matter;

## THE ROYAL BAKING POWDER

The Royal is the highest grade baking powder known. Actual tests show it goes one-third further than any other brand.

## BAKING POWDER

## EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School.

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, varying in size from the wee little ones scarcely larger than a coffee pot, to the young men and maidens who make up a considerable portion of the upper grades and the high school were in evidence.

As anticipated, the attendance was considerably larger than on the opening day of last year, and still more so to-day. Nothing like an accurate figure of the number who were enrolled yesterday could be obtained, as the different principals were busy with the work of assigning pupils to classes and the opening of the school year.

Today all the principals will make a report to Superintendent Millsbaugh, showing the number in every grade and school. In visiting the several school buildings, the order and remarkable promptness displayed by the teachers in getting the pupils in their proper classes, and the fact that the school had been opened later than till in the afternoon. There always has been somewhat of a rivalry between the different schools in getting down to work in the shortest space of time, and yesterday everybody seemed to be in their very best and succeeded admirably.

Superintendent Millsbaugh was the busiest man in the city this morning. He was engaged in visiting the schools and during the latter part of the afternoon was besieged by teachers and parents who came to his office, answering a multitude of questions and listening to grievances, mostly of a minor nature.

## NEW HIGH SCHOOL BUILDING.

The new high school building in the heart of the Short Line office was put into use and teachers and scholars alike were pleased with the new building. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

A good many parents in the city who have been considering the advisability of sending their children away have changed their mind after inspecting the new building and its splendid arrangements for education and work.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

## THE SCHOOLS OPEN

Machinery Starts as Smoothly as Possible.

## ENROLLMENT VERY LARGE

## EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School.

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, varying in size from the wee little ones scarcely larger than a coffee pot, to the young men and maidens who make up a considerable portion of the upper grades and the high school were in evidence.

As anticipated, the attendance was considerably larger than on the opening day of last year, and still more so to-day. Nothing like an accurate figure of the number who were enrolled yesterday could be obtained, as the different principals were busy with the work of assigning pupils to classes and the opening of the school year.

Today all the principals will make a report to Superintendent Millsbaugh, showing the number in every grade and school. In visiting the several school buildings, the order and remarkable promptness displayed by the teachers in getting the pupils in their proper classes, and the fact that the school had been opened later than till in the afternoon. There always has been somewhat of a rivalry between the different schools in getting down to work in the shortest space of time, and yesterday everybody seemed to be in their very best and succeeded admirably.

Superintendent Millsbaugh was the busiest man in the city this morning. He was engaged in visiting the schools and during the latter part of the afternoon was besieged by teachers and parents who came to his office, answering a multitude of questions and listening to grievances, mostly of a minor nature.

## NEW HIGH SCHOOL BUILDING.

The new high school building in the heart of the Short Line office was put into use and teachers and scholars alike were pleased with the new building. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

A good many parents in the city who have been considering the advisability of sending their children away have changed their mind after inspecting the new building and its splendid arrangements for education and work.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

## CAPTAIN GRANT TELLS OF THE NIGHT ATTACK.

Their Guns Opened On the Enemy—H. W. Wyne's Version.

## ENROLLMENT VERY LARGE

## EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School.

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, varying in size from the wee little ones scarcely larger than a coffee pot, to the young men and maidens who make up a considerable portion of the upper grades and the high school were in evidence.

As anticipated, the attendance was considerably larger than on the opening day of last year, and still more so to-day. Nothing like an accurate figure of the number who were enrolled yesterday could be obtained, as the different principals were busy with the work of assigning pupils to classes and the opening of the school year.

Today all the principals will make a report to Superintendent Millsbaugh, showing the number in every grade and school. In visiting the several school buildings, the order and remarkable promptness displayed by the teachers in getting the pupils in their proper classes, and the fact that the school had been opened later than till in the afternoon. There always has been somewhat of a rivalry between the different schools in getting down to work in the shortest space of time, and yesterday everybody seemed to be in their very best and succeeded admirably.

Superintendent Millsbaugh was the busiest man in the city this morning. He was engaged in visiting the schools and during the latter part of the afternoon was besieged by teachers and parents who came to his office, answering a multitude of questions and listening to grievances, mostly of a minor nature.

## NEW HIGH SCHOOL BUILDING.

The new high school building in the heart of the Short Line office was put into use and teachers and scholars alike were pleased with the new building. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

A good many parents in the city who have been considering the advisability of sending their children away have changed their mind after inspecting the new building and its splendid arrangements for education and work.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

## PETERS FROM MANILA.

Their Guns Opened On the Enemy—H. W. Wyne's Version.

## ENROLLMENT VERY LARGE

## EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School.

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, varying in size from the wee little ones scarcely larger than a coffee pot, to the young men and maidens who make up a considerable portion of the upper grades and the high school were in evidence.

As anticipated, the attendance was considerably larger than on the opening day of last year, and still more so to-day. Nothing like an accurate figure of the number who were enrolled yesterday could be obtained, as the different principals were busy with the work of assigning pupils to classes and the opening of the school year.

Today all the principals will make a report to Superintendent Millsbaugh, showing the number in every grade and school. In visiting the several school buildings, the order and remarkable promptness displayed by the teachers in getting the pupils in their proper classes, and the fact that the school had been opened later than till in the afternoon. There always has been somewhat of a rivalry between the different schools in getting down to work in the shortest space of time, and yesterday everybody seemed to be in their very best and succeeded admirably.

Superintendent Millsbaugh was the busiest man in the city this morning. He was engaged in visiting the schools and during the latter part of the afternoon was besieged by teachers and parents who came to his office, answering a multitude of questions and listening to grievances, mostly of a minor nature.

## NEW HIGH SCHOOL BUILDING.

The new high school building in the heart of the Short Line office was put into use and teachers and scholars alike were pleased with the new building. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

A good many parents in the city who have been considering the advisability of sending their children away have changed their mind after inspecting the new building and its splendid arrangements for education and work.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

The building is a fine example of modern architecture and is well adapted to the purpose for which it was built. The building is a fine example of modern architecture and is well adapted to the purpose for which it was built.

## PIMPLES

Their Guns Opened On the Enemy—H. W. Wyne's Version.

## ENROLLMENT VERY LARGE

## EXCEEDING THAT OF THE FIRST DAY OF LAST YEAR.

New High School Building Admirably Adapted to the Purpose For Which It Is Intended—Short of Boom In the West Side, Pending Completion of the Riverside School.

The public schools of the city opened yesterday, after the summer vacation, and thousands of pupils, varying in size from the wee little ones scarcely larger than a coffee pot, to the young men and maidens who make up a considerable portion of the upper grades and the high school were in evidence.

As anticipated, the attendance was considerably larger than on the opening day of last year, and still more so to-day. Nothing like an accurate figure of the number who were enrolled yesterday could be obtained, as the different principals were busy with the work of assigning pupils to classes and the opening of the school year.

Today all the principals will make a report to Superintendent Millsbaugh, showing the number in every grade and school. In visiting the several school buildings, the order and remarkable promptness displayed by the teachers in getting the pupils in their proper classes, and the fact that the school had been opened later than till in the afternoon. There always has been somewhat of a rivalry between the different schools in getting down to work in the shortest space of time, and yesterday everybody seemed to be in their very best and succeeded admirably.

Superintendent